

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.01.2020

CORAM:

THE HONOURABLE Mr. JUSTICE N. ANAND VENKATESH

W.P.NO.32484 of 2019

Rhines Nalla Ratnam

... Petitioner

-Vs-

1. The Commissioner
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.
 2. The Assistant Commissioner
(General Administration and Personnel),
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.
 3. The Accounts Officer
Pension Section
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.
 4. The Zonal Officer,
Zone-15, Corporation of Greater Chennai
Sholinganallur, Chennai 600 119
- ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus or any other writ, order or direction in the nature of a writ directing the respondents to forthwith settle the DCRG amount of Rs.10,18,640/- together with interest at the rate of 24% per annum from 01.07.2018 till the date of realization.

For Petitioner : Mr. K. Raja
For Respondents: Ms. Karthika Ashok
Standing counsel.

ORDER

This Writ Petition has been filed for issue of Writ of Mandamus directing the respondents to settle the DCRG amount along with interest to the petitioner.

2. The case of the petitioner is that he was appointed as Lab Assistant in the year 1986 and he ultimately reached the position of Senior entomologist. The petitioner attained superannuation on 30.06.2018 in the said post. The grievance of the petitioner is that he was not paid DCRG amount on the ground that there are some audit objections which will have to be finalised. The petitioner gave representations to the respondents to settle the DCRG together with interest. The third respondent replied to the petitioner by stating that necessary particulars will have to be given by the Chennai Corporation in order to process and pay the DCRG amount. Since there was no action on the part of the Chennai Corporation, the present Writ Petition has been filed seeking for appropriate direction.

3. Heard Mr. K. Raja, the learned counsel for the petitioner and Ms. Karthika Ashok, learned counsel for respondents.

4. The fourth respondent has filed a counter affidavit in this case. The fourth paragraph in the counter affidavit is extracted hereunder.

4. It is submitted that the petitioner was retired on 30.06.2018 by attaining superannuation and the relieving order was passed on the same day. Within a period of one year of his date of retirement his files were sent to Audit Office for any objections. The Audit objections in 2 numbers were raised, equivalent to a sum of Rs.5,879/-, which on obtaining suitable explanation, the objections were deleted and the sum of Rs.10,18,140/- is sanctioned as DCRG on 12.12.2019 which is ready for its disbursement. The sanctioning order had been handed over to the petitioner on 12.12.2019 and the same had been acknowledged by him and our several attempts to hand over the cheque drawn at Indian Overseas Bank, Ripon Building Branch, Chennai 600 003, vide cheque No. 478211, dated 30.12.2019 to the petitioner had been failed. Our last resort in visiting his residence to issue the cheque also failed for the non co-operation of the petitioner. The petitioner is not receiving the cheque for the best known reasons to him."

5. It is clear from the above that the audit objections have been deleted and the petitioner is found to be eligible to receive the DCRG amount of Rs.10,18,140/-. It is the claim made by the fourth respondent that the petitioner is refusing to receive the amount.

6. DCRG is the part of the retirement benefit which will have to be settled to the retired employee. The petitioner retired on 30.06.2018 and therefore, the petitioner is seeking for payment of interest from 01.07.2018 till the date of realisation. The law on this issue is well settled and the Hon'ble Supreme Court has repeatedly held that any delay in the settlement of the retirement benefits will attract interest even in the absence of any Rules in that regard.

7. In view of the above, The Chennai Corporation is liable to pay interest at the rate of 6% on the DCRG amount from 01.07.2018 till 30.11.2019. Till this period, the DCRG amount was not finalised and settled to the petitioner. Subsequently, DCRG amount was sanctioned in the month of December 2019 and the petitioner is refusing to receive the amount. Therefore, for the period from December 2019, the petitioner will not be entitled for interest.

8. In the result, this Writ Petition is disposed of with a direction to the petitioner to furnish his bank account details to the fourth respondent in order to transfer the amount by NIFT. The fourth respondent, on receipt of bank details from the petitioner, shall transfer a sum of Rs.10,18,640/- being the DCRG amount and interest thereon from 01.07.2018 to 30.11.2019 at the rate of 6%. This transfer of amount shall be done within a period of four weeks from the date on which the petitioner gives the particulars of the bank details.

9. This Writ Petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1. The Commissioner
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.
2. The Assistant Commissioner
(General Administration and Personnel),
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.

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3. The Accounts Officer
Pension Section
Corporation of Greater Chennai
Ribbon Building, Chennai 600 003.

4. The Zonal Officer,
Zone-15, Corporation of Greater Chennai
Sholinganallur, Chennai 600 119

+lcc to Mrs.Karhika Ashok , Advocate SR.No. 6794

+lcc to Mr.K.Raja , Advocate SR.No. 6625

W.P.NO.32484 of 2019

A.SK(28/02/2020)



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